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10 L.A. School Police Officer Daniel East

11 UNITED STATES DISTRICT COURT  
12 CENTRAL DISTRICT OF CALIFORNIA

13 ART TOBIAS,

14 Plaintiff,

15 v.

16 CITY OF LOS ANGELES; SGT.  
17 SANCHEZ, #25339; DETECTIVE  
18 MICHAEL ARTEAGA, #32722;  
19 DETECTIVE JEFF CORTINA,  
20 #35632; DETECTIVE J. MOTTO,  
21 #25429; DETECTIVE JULIAN  
22 PERE, #27434; OFFICER  
23 MARSHALL COOLEY, #38940;  
24 OFFICER BORN, #38351; L.A.  
25 SCHOOL POLICE OFFICER  
26 DANIEL EAST, #959; and  
27 UNIDENTIFIED EMPLOYEES of  
28 the CITY OF LOS ANGELES,

Defendants.

CASE NO. 2:17-cv-1076-DSF-AS  
Assigned to Hon. Dale S. Fisher

**Answer of L.A. School Police Officer  
Dan East to Second Amended  
Complaint for Damages; Demand for  
Jury Trial**

COMES NOW Defendant L.A. School Police Officer Daniel East (hereinafter  
“Defendant”), answering the Plaintiff’s Second Amended Complaint for himself and  
no other party, and admits, denies, and alleges as follows:

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1       1. Defendant lacks sufficient knowledge or information upon which to form a  
2 belief as to the truth of the allegations in Paragraph 1, and therefore denies each and  
3 every allegation therein.

4       2. Defendant lacks sufficient knowledge or information upon which to form a  
5 belief as to the truth of the allegations in Paragraph 2, and therefore denies each and  
6 every allegation therein.

7       3. Defendant lacks sufficient knowledge or information upon which to  
8 form a belief as to the truth of the allegations in Paragraph 3, and therefore denies  
9 each and every allegation therein.

10       4. Defendant lacks sufficient knowledge or information upon which to  
11 form a belief as to the truth of the allegations in Paragraph 4, and therefore denies  
12 each and every allegation therein.

13       5. Defendant lacks sufficient knowledge or information upon which to  
14 form a belief as to the truth of the allegations in Paragraph 5, and therefore denies  
15 each and every allegation therein.

16       6. Defendant lacks sufficient knowledge or information upon which to  
17 form a belief as to the truth of the allegations in Paragraph 6, and therefore denies  
18 each and every allegation therein.

19       7. Defendant lacks sufficient knowledge or information upon which to  
20 form a belief as to the truth of the allegations in Paragraph 7, and therefore denies  
21 each and every allegation therein.

22       8. Defendant lacks sufficient knowledge or information upon which to  
23 form a belief as to the truth of the allegations in Paragraph 8, and therefore denies  
24 each and every allegation therein.

25       9. Defendant lacks sufficient knowledge or information upon which to  
26 form a belief as to the truth of the allegations in Paragraph 9, and therefore denies  
27 each and every allegation therein.

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1       10. Defendant is informed and believes, and based thereon, admits that at all  
2 times relevant to events set forth in the Second Amended Complaint Defendant  
3 was a Los Angeles Unified School District police officer and understands that he is  
4 being sued in his individual capacity for actions taken under the color of law and  
5 within the scope of his employment. Defendant denies the remaining allegations in  
6 Paragraph 10.

7       11. Defendant lacks sufficient knowledge or information upon which to  
8 form a belief as to the truth of the allegations in Paragraph 11, and therefore denies  
9 each and every allegation therein.

10       12. Defendant lacks sufficient knowledge or information upon which to  
11 form a belief as to the truth of the allegations in Paragraph 12 , and therefore denies  
12 each and every allegation therein.

13       13. Defendant lacks sufficient knowledge or information upon which to  
14 form a belief as to the truth of the allegations in Paragraph 13, and therefore denies  
15 each and every allegation therein.

16       14. Defendant lacks sufficient knowledge or information upon which to  
17 form a belief as to the truth of the allegations in Paragraph 14, and therefore denies  
18 each and every allegation therein.

19       15. Defendant lacks sufficient knowledge or information upon which to  
20 form a belief as to the truth of the allegations in Paragraph 15 , and therefore denies  
21 each and every allegation therein.

22       16. Defendant lacks sufficient knowledge or information upon which to  
23 form a belief as to the truth of the allegations in Paragraph 16, and therefore denies  
24 each and every allegation therein.

25       17. Defendant lacks sufficient knowledge or information upon which to  
26 form a belief as to the truth of the allegations in Paragraph 17, and therefore denies  
27 each and every allegation therein.

28 ///

1 18. Defendant lacks sufficient knowledge or information upon which to  
2 form a belief as to the truth of the allegations in Paragraph 18, and therefore denies  
3 each and every allegation therein.

4 19. Defendant lacks sufficient knowledge or information upon which to  
5 form a belief as to the truth of the allegations in Paragraph 19 , and therefore denies  
6 each and every allegation therein.

7 20. Defendant lacks sufficient knowledge or information upon which to  
8 form a belief as to the truth of the allegations in Paragraph 20 , and therefore denies  
9 each and every allegation therein.

10 21. Defendant lacks sufficient knowledge or information upon which to  
11 form a belief as to the truth of the allegations in Paragraph 21 , and therefore denies  
12 each and every allegation therein.

13 22. Defendant lacks sufficient knowledge or information upon which to  
14 form a belief as to the truth of the allegations in Paragraph 22, and therefore denies  
15 each and every allegation therein.

16 23. Defendant lacks sufficient knowledge or information upon which to  
17 form a belief as to the truth of the allegations in Paragraph 23 , and therefore denies  
18 each and every allegation therein.

19 24. Defendant lacks sufficient knowledge or information upon which to  
20 form a belief as to the truth of the allegations in Paragraph 24 , and therefore denies  
21 each and every allegation therein.

22 25. Defendant lacks sufficient knowledge or information upon which to  
23 form a belief as to the truth of the allegations in Paragraph 25 , and therefore denies  
24 each and every allegation therein.

25 26. Defendant lacks sufficient knowledge or information upon which to  
26 form a belief as to the truth of the allegations in Paragraph 26, and therefore denies  
27 each and every allegation therein.

28 ///

1       27. Defendant lacks sufficient knowledge or information upon which to  
2 form a belief as to the truth of the allegations in Paragraph 27, and therefore denies  
3 each and every allegation therein.

4       28. Defendant lacks sufficient knowledge or information upon which to  
5 form a belief as to the truth of the allegations in Paragraph 28, and therefore denies  
6 each and every allegation therein.

7       29. Defendant lacks sufficient knowledge or information upon which to  
8 form a belief as to the truth of the allegations in Paragraph 29, and therefore denies  
9 each and every allegation therein.

10       30. Defendant lacks sufficient knowledge or information upon which to  
11 form a belief as to the truth of the allegations in Paragraph 30, and therefore denies  
12 each and every allegation therein.

13       31. Defendant lacks sufficient knowledge or information upon which to  
14 form a belief as to the truth of the allegations in Paragraph 31, and therefore denies  
15 each and every allegation therein.

16       32. Paragraph 32 is blank. Therefore, Defendant is unable to deny or admit the  
17 allegations.

18       33. Defendant lacks sufficient knowledge or information upon which to  
19 form a belief as to the truth of the allegations in Paragraph 33, and therefore denies  
20 each and every allegation therein.

21       34. Defendant lacks sufficient knowledge or information upon which to  
22 form a belief as to the truth of the allegations in Paragraph 34, and therefore denies  
23 each and every allegation therein.

24       35. Defendant lacks sufficient knowledge or information upon which to  
25 form a belief as to the truth of the allegations in Paragraph 35, and therefore denies  
26 each and every allegation therein.

27       36. Defendant lacks sufficient knowledge or information upon which to  
28 form a belief as to the truth of the allegations in Paragraph 36, and therefore denies

1 each and every allegation therein.

2 37. Defendant lacks sufficient knowledge or information upon which to  
3 form a belief as to the truth of the allegations in Paragraph 37, and therefore denies  
4 each and every allegation therein.

5 38. Defendant lacks sufficient knowledge or information upon which to  
6 form a belief as to the truth of the allegations in Paragraph 38, and therefore denies  
7 each and every allegation therein.

8 39. Defendant lacks sufficient knowledge or information upon which to  
9 form a belief as to the truth of the allegations in Paragraph 39, and therefore denies  
10 each and every allegation therein.

11 40. Defendant lacks sufficient knowledge or information upon which to  
12 form a belief as to the truth of the allegations in Paragraph 40, and therefore denies  
13 each and every allegation therein.

14 41. Defendant lacks sufficient knowledge or information upon which to  
15 form a belief as to the truth of the allegations in Paragraph 41, and therefore denies  
16 each and every allegation therein.

17 42. Defendant lacks sufficient knowledge or information upon which to  
18 form a belief as to the truth of the allegations in Paragraph 42, and therefore denies  
19 each and every allegation therein.

20 43. Defendant lacks sufficient knowledge or information upon which to  
21 form a belief as to the truth of the allegations in Paragraph 43, and therefore denies  
22 each and every allegation therein.

23 44. Defendant lacks sufficient knowledge or information upon which to  
24 form a belief as to the truth of the allegations in Paragraph 44, and therefore denies  
25 each and every allegation therein.

26 45. Defendant lacks sufficient knowledge or information upon which to  
27 form a belief as to the truth of the allegations in Paragraph 45, and therefore denies  
28 each and every allegation therein.

1       46. Defendant lacks sufficient knowledge or information upon which to  
2 form a belief as to the truth of the allegations in Paragraph 46, and therefore denies  
3 each and every allegation therein.

4       47. Defendant lacks sufficient knowledge or information upon which to  
5 form a belief as to the truth of the allegations in Paragraph 47, and therefore denies  
6 each and every allegation therein.

7       48. Defendant lacks sufficient knowledge or information upon which to  
8 form a belief as to the truth of the allegations in Paragraph 48, and therefore denies  
9 each and every allegation therein.

10       49. Defendant is informed and believes, and based thereon, admits that Plaintiff  
11 was a student at Berendo Middle School, a public school in Los Angeles. Defendant  
12 lacks sufficient knowledge or information to form a belief as to the other allegations  
13 in Paragraph 49.

14       50. Defendant lacks sufficient knowledge or information upon which to  
15 form a belief as to the truth of the allegations in Paragraph 50, and therefore denies  
16 each and every allegation therein.

17       51. Defendant lacks sufficient knowledge or information upon which to  
18 form a belief as to the truth of the allegations in Paragraph 51, and therefore denies  
19 each and every allegation therein.

20       52. Defendant admits that he spoke with Officers of the Los Angeles Police  
21 Department at Berendo Middle School. Defendant denies the remaining allegations  
22 in Paragraph 52.

23       53. Defendant denies all the allegations of Paragraph 53.

24       54. Defendant lacks sufficient knowledge or information upon which to  
25 form a belief as to the truth of the allegations in Paragraph 54, and therefore denies  
26 each and every allegation therein.

27       55. Defendant lacks sufficient knowledge or information upon which to  
28 form a belief as to the truth of the allegations in Paragraph 55, and therefore denies



1 each and every allegation therein.

2 56. Defendant lacks sufficient knowledge or information upon which to  
3 form a belief as to the truth of the allegations in Paragraph 56, and therefore denies  
4 each and every allegation therein.

5 57. Defendant lacks sufficient knowledge or information upon which to  
6 form a belief as to the truth of the allegations in Paragraph 57, and therefore denies  
7 each and every allegation therein.

8 58. Defendant lacks sufficient knowledge or information upon which to  
9 form a belief as to the truth of the allegations in Paragraph 58, and therefore denies  
10 each and every allegation therein.

11 59. Defendant lacks sufficient knowledge or information upon which to  
12 form a belief as to the truth of the allegations in Paragraph 59, and therefore denies  
13 each and every allegation therein.

14 60. Defendant lacks sufficient knowledge or information upon which to  
15 form a belief as to the truth of the allegations in Paragraph 60, and therefore denies  
16 each and every allegation therein.

17 61. Defendant lacks sufficient knowledge or information upon which to  
18 form a belief as to the truth of the allegations in Paragraph 61, and therefore denies  
19 each and every allegation therein.

20 62. Defendant lacks sufficient knowledge or information upon which to  
21 form a belief as to the truth of the allegations in Paragraph 62, and therefore denies  
22 each and every allegation therein.

23 63. Defendant lacks sufficient knowledge or information upon which to  
24 form a belief as to the truth of the allegations in Paragraph 63, and therefore denies  
25 each and every allegation therein.

26 64. Defendant lacks sufficient knowledge or information upon which to  
27 form a belief as to the truth of the allegations in Paragraph 64, and therefore denies  
28 each and every allegation therein.



1       65. Defendant lacks sufficient knowledge or information upon which to  
2 form a belief as to the truth of the allegations in Paragraph 65, and therefore denies  
3 each and every allegation therein.

4       66. Defendant lacks sufficient knowledge or information upon which to  
5 form a belief as to the truth of the allegations in Paragraph 66, and therefore denies  
6 each and every allegation therein.

7       67. Defendant lacks sufficient knowledge or information upon which to  
8 form a belief as to the truth of the allegations in Paragraph 67, and therefore denies  
9 each and every allegation therein.

10       68. Defendant lacks sufficient knowledge or information upon which to  
11 form a belief as to the truth of the allegations in Paragraph 68, and therefore denies  
12 each and every allegation therein.

13       69. Defendant lacks sufficient knowledge or information upon which to  
14 form a belief as to the truth of the allegations in Paragraph 69, and therefore denies  
15 each and every allegation therein.

16       70. Defendant lacks sufficient knowledge or information upon which to  
17 form a belief as to the truth of the allegations in Paragraph 70, and therefore denies  
18 each and every allegation therein.

19       71. Defendant lacks sufficient knowledge or information upon which to  
20 form a belief as to the truth of the allegations in Paragraph 71, and therefore denies  
21 each and every allegation therein.

22       72. Defendant lacks sufficient knowledge or information upon which to  
23 form a belief as to the truth of the allegations in Paragraph 72, and therefore denies  
24 each and every allegation therein.

25       73. Defendant lacks sufficient knowledge or information upon which to  
26 form a belief as to the truth of the allegations in Paragraph 73, and therefore denies  
27 each and every allegation therein.

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1       74. Defendant lacks sufficient knowledge or information upon which to  
2 form a belief as to the truth of the allegations in Paragraph 74, and therefore denies  
3 each and every allegation therein.

4       75. Defendant lacks sufficient knowledge or information upon which to  
5 form a belief as to the truth of the allegations in Paragraph 75, and therefore denies  
6 each and every allegation therein.

7       76. Defendant lacks sufficient knowledge or information upon which to  
8 form a belief as to the truth of the allegations in Paragraph 76, and therefore denies  
9 each and every allegation therein.

10       77. Defendant lacks sufficient knowledge or information upon which to  
11 form a belief as to the truth of the allegations in Paragraph 77, and therefore denies  
12 each and every allegation therein.

13       78. Defendant lacks sufficient knowledge or information upon which to  
14 form a belief as to the truth of the allegations in Paragraph 78, and therefore denies  
15 each and every allegation therein.

16       79. Defendant lacks sufficient knowledge or information upon which to  
17 form a belief as to the truth of the allegations in Paragraph 79, and therefore denies  
18 each and every allegation therein.

19       80. Defendant lacks sufficient knowledge or information upon which to  
20 form a belief as to the truth of the allegations in Paragraph 80, and therefore denies  
21 each and every allegation therein.

22       81. Defendant lacks sufficient knowledge or information upon which to  
23 form a belief as to the truth of the allegations in Paragraph 81, and therefore denies  
24 each and every allegation therein.

25       82. Defendant lacks sufficient knowledge or information upon which to  
26 form a belief as to the truth of the allegations in Paragraph 82, and therefore denies  
27 each and every allegation therein.

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1       83. Defendant lacks sufficient knowledge or information upon which to  
2 form a belief as to the truth of the allegations in Paragraph 83, and therefore denies  
3 each and every allegation therein.

4       84. Defendant lacks sufficient knowledge or information upon which to  
5 form a belief as to the truth of the allegations in Paragraph 84, and therefore denies  
6 each and every allegation therein.

7       85. Defendant lacks sufficient knowledge or information upon which to  
8 form a belief as to the truth of the allegations in Paragraph 85, and therefore denies  
9 each and every allegation therein.

10       86. Defendant lacks sufficient knowledge or information upon which to  
11 form a belief as to the truth of the allegations in Paragraph 86, and therefore denies  
12 each and every allegation therein.

13       87. Defendant lacks sufficient knowledge or information upon which to  
14 form a belief as to the truth of the allegations in Paragraph 87, and therefore denies  
15 each and every allegation therein.

16       88. Defendant lacks sufficient knowledge or information upon which to  
17 form a belief as to the truth of the allegations in Paragraph 88, and therefore denies  
18 each and every allegation therein.

19       89. Defendant lacks sufficient knowledge or information upon which to  
20 form a belief as to the truth of the allegations in Paragraph 89, and therefore denies  
21 each and every allegation therein.

22       90. Defendant lacks sufficient knowledge or information upon which to  
23 form a belief as to the truth of the allegations in Paragraph 90, and therefore denies  
24 each and every allegation therein.

25       91. Defendant lacks sufficient knowledge or information upon which to  
26 form a belief as to the truth of the allegations in Paragraph 91, and therefore denies  
27 each and every allegation therein.

28       92. Defendant lacks sufficient knowledge or information upon which to

1 form a belief as to the truth of the allegations in Paragraph 92, and therefore denies  
2 each and every allegation therein.

3 93. Defendant lacks sufficient knowledge or information upon which to  
4 form a belief as to the truth of the allegations in Paragraph 93, and therefore denies  
5 each and every allegation therein.

6 94. Defendant lacks sufficient knowledge or information upon which to  
7 form a belief as to the truth of the allegations in Paragraph 94, and therefore denies  
8 each and every allegation therein.

9 95. Defendant lacks sufficient knowledge or information upon which to  
10 form a belief as to the truth of the allegations in Paragraph 95, and therefore denies  
11 each and every allegation therein.

12 96. Defendant lacks sufficient knowledge or information upon which to  
13 form a belief as to the truth of the allegations in Paragraph 96, and therefore denies  
14 each and every allegation therein.

15 97. Defendant lacks sufficient knowledge or information upon which to  
16 form a belief as to the truth of the allegations in Paragraph 97, and therefore denies  
17 each and every allegation therein.

18 98. Defendant lacks sufficient knowledge or information upon which to  
19 form a belief as to the truth of the allegations in Paragraph 98, and therefore denies  
20 each and every allegation therein.

21 99. Defendant lacks sufficient knowledge or information upon which to  
22 form a belief as to the truth of the allegations in Paragraph 99, and therefore denies  
23 each and every allegation therein.

24 100. Defendant lacks sufficient knowledge or information upon which to  
25 form a belief as to the truth of the allegations in Paragraph 100, and therefore denies  
26 each and every allegation therein.

27 101. Defendant lacks sufficient knowledge or information upon which to  
28 form a belief as to the truth of the allegations in Paragraph 101, and therefore denies

1 each and every allegation therein.

2 102. Defendant lacks sufficient knowledge or information upon which to  
3 form a belief as to the truth of the allegations in Paragraph 102, and therefore denies  
4 each and every allegation therein.

5 103. Defendant lacks sufficient knowledge or information upon which to  
6 form a belief as to the truth of the allegations in Paragraph 103, and therefore denies  
7 each and every allegation therein.

8 104. Defendant lacks sufficient knowledge or information upon which to  
9 form a belief as to the truth of the allegations in Paragraph 104, and therefore denies  
10 each and every allegation therein.

11 105. Defendant lacks sufficient knowledge or information upon which to  
12 form a belief as to the truth of the allegations in Paragraph 105, and therefore denies  
13 each and every allegation therein.

14 106. Defendant lacks sufficient knowledge or information upon which to  
15 form a belief as to the truth of the allegations in Paragraph 106, and therefore denies  
16 each and every allegation therein.

17 107. Defendant lacks sufficient knowledge or information upon which to  
18 form a belief as to the truth of the allegations in Paragraph 107, and therefore denies  
19 each and every allegation therein.

20 108. Defendant lacks sufficient knowledge or information upon which to  
21 form a belief as to the truth of the allegations in Paragraph 108, and therefore denies  
22 each and every allegation therein.

23 109. Defendant lacks sufficient knowledge or information upon which to  
24 form a belief as to the truth of the allegations in Paragraph 109, and therefore denies  
25 each and every allegation therein.

26 110. Defendant lacks sufficient knowledge or information upon which to  
27 form a belief as to the truth of the allegations in Paragraph 110,, and therefore denies  
28 each and every allegation therein.

1 111. Defendant lacks sufficient knowledge or information upon which to  
2 form a belief as to the truth of the allegations in Paragraph 111, and therefore denies  
3 each and every allegation therein.

4 112. Defendant lacks sufficient knowledge or information upon which to  
5 form a belief as to the truth of the allegations in Paragraph 112, and therefore denies  
6 each and every allegation therein.

7 113. Defendant lacks sufficient knowledge or information upon which to  
8 form a belief as to the truth of the allegations in Paragraph 113., and therefore denies  
9 each and every allegation therein.

10 114. Defendant lacks sufficient knowledge or information upon which to  
11 form a belief as to the truth of the allegations in Paragraph 114, and therefore denies  
12 each and every allegation therein.

13 115. Defendant lacks sufficient knowledge or information upon which to  
14 form a belief as to the truth of the allegations in Paragraph 115, and therefore denies  
15 each and every allegation therein.

16 116. Defendant lacks sufficient knowledge or information upon which to  
17 form a belief as to the truth of the allegations in Paragraph 116, and therefore denies  
18 each and every allegation therein.

19 117. Defendant lacks sufficient knowledge or information upon which to  
20 form a belief as to the truth of the allegations in Paragraph 117, and therefore denies  
21 each and every allegation therein.

22 118. Defendant lacks sufficient knowledge or information upon which to  
23 form a belief as to the truth of the allegations in Paragraph 118, and therefore denies  
24 each and every allegation therein.

25 119. Defendant lacks sufficient knowledge or information upon which to  
26 form a belief as to the truth of the allegations in Paragraph 119, and therefore denies  
27 each and every allegation therein.

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1       120. Defendant lacks sufficient knowledge or information upon which to  
2 form a belief as to the truth of the allegations in Paragraph 120, and therefore denies  
3 each and every allegation therein.

4       121. Defendant lacks sufficient knowledge or information upon which to  
5 form a belief as to the truth of the allegations in Paragraph 121, and therefore denies  
6 each and every allegation therein.

7       122. Defendant lacks sufficient knowledge or information upon which to  
8 form a belief as to the truth of the allegations in Paragraph 122, and therefore denies  
9 each and every allegation therein.

10       123. Defendant lacks sufficient knowledge or information upon which to  
11 form a belief as to the truth of the allegations in Paragraph 123, and therefore denies  
12 each and every allegation therein.

13       124. Defendant lacks sufficient knowledge or information upon which to  
14 form a belief as to the truth of the allegations in Paragraph 124, and therefore denies  
15 each and every allegation therein.

16       125. Defendant lacks sufficient knowledge or information upon which to  
17 form a belief as to the truth of the allegations in Paragraph 125, and therefore denies  
18 each and every allegation therein.

19       126. Defendant lacks sufficient knowledge or information upon which to  
20 form a belief as to the truth of the allegations in Paragraph 126, and therefore denies  
21 each and every allegation therein.

22       127. Defendant lacks sufficient knowledge or information upon which to  
23 form a belief as to the truth of the allegations in Paragraph 127, and therefore denies  
24 each and every allegation therein.

25       128. Defendant lacks sufficient knowledge or information upon which to  
26 form a belief as to the truth of the allegations in Paragraph 128, and therefore denies  
27 each and every allegation therein.

28       129. Defendant lacks sufficient knowledge or information upon which to



1 form a belief as to the truth of the allegations in Paragraph 129, and therefore denies  
2 each and every allegation therein.

3 130. Defendant lacks sufficient knowledge or information upon which to  
4 form a belief as to the truth of the allegations in Paragraph 130, and therefore denies  
5 each and every allegation therein.

6  
7 131. Defendant lacks sufficient knowledge or information upon which to  
8 form a belief as to the truth of the allegations in Paragraph 131, and therefore denies  
9 each and every allegation therein.

10 132. Defendant lacks sufficient knowledge or information upon which to  
11 form a belief as to the truth of the allegations in Paragraph 132, and therefore denies  
12 each and every allegation therein.

13 133. Defendant lacks sufficient knowledge or information upon which to  
14 form a belief as to the truth of the allegations in Paragraph 133, and therefore denies  
15 each and every allegation therein.

16 134. Defendant lacks sufficient knowledge or information upon which to  
17 form a belief as to the truth of the allegations in Paragraph 134, and therefore denies  
18 each and every allegation therein.

19 135. Defendant lacks sufficient knowledge or information upon which to  
20 form a belief as to the truth of the allegations in Paragraph 135, and therefore denies  
21 each and every allegation therein.

22 136. Defendant lacks sufficient knowledge or information upon which to  
23 form a belief as to the truth of the allegations in Paragraph 136, and therefore denies  
24 each and every allegation therein.

25 137. Defendant lacks sufficient knowledge or information upon which to  
26 form a belief as to the truth of the allegations in Paragraph 137, and therefore denies  
27 each and every allegation therein.

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1       138. Defendant lacks sufficient knowledge or information upon which to  
2 form a belief as to the truth of the allegations in Paragraph 138, and therefore denies  
3 each and every allegation therein.

4       139. Defendant lacks sufficient knowledge or information upon which to  
5 form a belief as to the truth of the allegations in Paragraph 139, and therefore denies  
6 each and every allegation therein.

7       140. Defendant lacks sufficient knowledge or information upon which to  
8 form a belief as to the truth of the allegations in Paragraph 140, and therefore denies  
9 each and every allegation therein.

10       141. Defendant lacks sufficient knowledge or information upon which to  
11 form a belief as to the truth of the allegations in Paragraph 141, and therefore denies  
12 each and every allegation therein.

13       142. Defendant lacks sufficient knowledge or information upon which to  
14 form a belief as to the truth of the allegations in Paragraph 142, and therefore denies  
15 each and every allegation therein.

16       143. Defendant lacks sufficient knowledge or information upon which to  
17 form a belief as to the truth of the allegations in Paragraph 143, and therefore denies  
18 each and every allegation therein.

19       144. Defendant lacks sufficient knowledge or information upon which to  
20 form a belief as to the truth of the allegations in Paragraph 144, and therefore denies  
21 each and every allegation therein.

22       145. Defendant lacks sufficient knowledge or information upon which to  
23 form a belief as to the truth of the allegations in Paragraph 145, and therefore denies  
24 each and every allegation therein.

25       146. Defendant lacks sufficient knowledge or information upon which to  
26 form a belief as to the truth of the allegations in Paragraph 146, and therefore denies  
27 each and every allegation therein.

28       147. Defendant lacks sufficient knowledge or information upon which to

1 form a belief as to the truth of the allegations in Paragraph 147, and therefore denies  
2 each and every allegation therein.

3 148. Defendant lacks sufficient knowledge or information upon which to  
4 form a belief as to the truth of the allegations in Paragraph 148, and therefore denies  
5 each and every allegation therein.

6 149. Defendant lacks sufficient knowledge or information upon which to  
7 form a belief as to the truth of the allegations in Paragraph 149, and therefore denies  
8 each and every allegation therein.

9 150. Defendant lacks sufficient knowledge or information upon which to  
10 form a belief as to the truth of the allegations in Paragraph 150, and therefore denies  
11 each and every allegation therein.

12 151. Defendant lacks sufficient knowledge or information upon which to  
13 form a belief as to the truth of the allegations in Paragraph 151, and therefore denies  
14 each and every allegation therein.

15 152. Defendant lacks sufficient knowledge or information upon which to  
16 form a belief as to the truth of the allegations in Paragraph 152, and therefore denies  
17 each and every allegation therein.

18 153. Defendant lacks sufficient knowledge or information upon which to  
19 form a belief as to the truth of the allegations in Paragraph 153, and therefore denies  
20 each and every allegation therein.

21 154. Defendant lacks sufficient knowledge or information upon which to  
22 form a belief as to the truth of the allegations in Paragraph 154, and therefore denies  
23 each and every allegation therein.

24 155. Defendant lacks sufficient knowledge or information upon which to  
25 form a belief as to the truth of the allegations in Paragraph 155, and therefore denies  
26 each and every allegation therein.

27 156. Defendant lacks sufficient knowledge or information upon which to  
28 form a belief as to the truth of the allegations in Paragraph 156, and therefore denies

1 each and every allegation therein.

2 157. Defendant lacks sufficient knowledge or information upon which to  
3 form a belief as to the truth of the allegations in Paragraph 157, and therefore denies  
4 each and every allegation therein.

5 158. Defendant lacks sufficient knowledge or information upon which to  
6 form a belief as to the truth of the allegations in Paragraph 158, and therefore denies  
7 each and every allegation therein.

8 159. Defendant lacks sufficient knowledge or information upon which to  
9 form a belief as to the truth of the allegations in Paragraph 159, and therefore denies  
10 each and every allegation therein.

11 160. Defendant lacks sufficient knowledge or information upon which to  
12 form a belief as to the truth of the allegations in Paragraph 160, and therefore denies  
13 each and every allegation therein.

14 161. Defendant lacks sufficient knowledge or information upon which to  
15 form a belief as to the truth of the allegations in Paragraph 161, and therefore denies  
16 each and every allegation therein.

17 162. Defendant lacks sufficient knowledge or information upon which to  
18 form a belief as to the truth of the allegations in Paragraph 162, and therefore denies  
19 each and every allegation therein.

20 163. Defendant lacks sufficient knowledge or information upon which to  
21 form a belief as to the truth of the allegations in Paragraph 163, and therefore denies  
22 each and every allegation therein.

23 164. Defendant lacks sufficient knowledge or information upon which to  
24 form a belief as to the truth of the allegations in Paragraph 164, and therefore denies  
25 each and every allegation therein.

26 165. Defendant lacks sufficient knowledge or information upon which to  
27 form a belief as to the truth of the allegations in Paragraph 165, and therefore denies  
28 each and every allegation therein.

1        166.        Responding to the allegations of Paragraph 166, Defendant repeats and  
2 realleges his responses to each of the paragraphs referred to therein, and therefore  
3 denies each and every allegation therein.

4        167.        Defendant lacks sufficient knowledge or information upon which to  
5 form a belief as to the truth of the allegations in Paragraph 167, and therefore denies  
6 each and every allegation therein.

7        168.        Defendant lacks sufficient knowledge or information upon which to  
8 form a belief as to the truth of the allegations in Paragraph 168, and therefore denies  
9 each and every allegation therein.

10       169.       Defendant lacks sufficient knowledge or information upon which to  
11 form a belief as to the truth of the allegations in Paragraph 169, and therefore denies  
12 each and every allegation therein.

13       170.       Defendant lacks sufficient knowledge or information upon which to  
14 form a belief as to the truth of the allegations in Paragraph 170, and therefore denies  
15 each and every allegation therein.

16       171.       Defendant lacks sufficient knowledge or information upon which to  
17 form a belief as to the truth of the allegations in Paragraph 171, and therefore denies  
18 each and every allegation therein.

19       172.       Defendant lacks sufficient knowledge or information upon which to  
20 form a belief as to the truth of the allegations in Paragraph 172, and therefore denies  
21 each and every allegation therein.

22       173.       Responding to the allegations of Paragraph 173, Defendant repeats and  
23 realleges his responses to each of the paragraphs referred to therein, and therefore  
24 denies each and every allegation therein.

25       174.       Defendant lacks sufficient knowledge or information upon which to  
26 form a belief as to the truth of the allegations in Paragraph 174, and therefore denies  
27 each and every allegation therein.

28       175.       Defendant lacks sufficient knowledge or information upon which to

1 form a belief as to the truth of the allegations in Paragraph 175, and therefore denies  
2 each and every allegation therein.

3 176. Defendant lacks sufficient knowledge or information upon which to  
4 form a belief as to the truth of the allegations in Paragraph 176, and therefore denies  
5 each and every allegation therein.

6 177. Defendant lacks sufficient knowledge or information upon which to  
7 form a belief as to the truth of the allegations in Paragraph 177, and therefore denies  
8 each and every allegation therein.

9 178. Defendant lacks sufficient knowledge or information upon which to  
10 form a belief as to the truth of the allegations in Paragraph 178, and therefore denies  
11 each and every allegation therein.

12 179. Responding to the allegations of Paragraph 179, Defendant repeats and  
13 realleges his responses to each of the paragraphs referred to therein, and therefore  
14 denies each and every allegation therein.

15 180. Defendant lacks sufficient knowledge or information upon which to  
16 form a belief as to the truth of the allegations in Paragraph 180, and therefore denies  
17 each and every allegation therein.

18 181. Defendant lacks sufficient knowledge or information upon which to  
19 form a belief as to the truth of the allegations in Paragraph 181, and therefore denies  
20 each and every allegation therein.

21 182. Defendant lacks sufficient knowledge or information upon which to  
22 form a belief as to the truth of the allegations in Paragraph 182, and therefore denies  
23 each and every allegation therein.

24 183. Defendant lacks sufficient knowledge or information upon which to  
25 form a belief as to the truth of the allegations in Paragraph 183, and therefore denies  
26 each and every allegation therein.

27 183. Defendant lacks sufficient knowledge or information upon which to  
28 form a belief as to the truth of the allegations in Paragraph 183, and therefore denies

1 each and every allegation therein.

2 184. Defendant lacks sufficient knowledge or information upon which to  
3 form a belief as to the truth of the allegations in Paragraph 184 and therefore denies  
4 each and every allegation therein.

5 185. Defendant lacks sufficient knowledge or information upon which to  
6 form a belief as to the truth of the allegations in Paragraph 185 and therefore denies  
7 each and every allegation therein.

8 186. Responding to the allegations of Paragraph 186, Defendant repeats and  
9 realleges his responses to each of the paragraphs referred to therein, and therefore  
10 denies each and every allegation therein.

11 187. Defendant lacks sufficient knowledge or information upon which to  
12 form a belief as to the truth of the allegations in Paragraph 187, and therefore denies  
13 each and every allegation therein.

14 188. Defendant lacks sufficient knowledge or information upon which to  
15 form a belief as to the truth of the allegations in Paragraph 188.

16 189. Defendant lacks sufficient knowledge or information upon which to  
17 form a belief as to the truth of the allegations in Paragraph 189, and therefore denies  
18 each and every allegation therein.

19 190. Defendant lacks sufficient knowledge or information upon which to  
20 form a belief as to the truth of the allegations in Paragraph 190, and therefore denies  
21 each and every allegation therein.

22 191. Defendant lacks sufficient knowledge or information upon which to  
23 form a belief as to the truth of the allegations in Paragraph 191, and therefore denies  
24 each and every allegation therein.

25 192. Defendant lacks sufficient knowledge or information upon which to  
26 form a belief as to the truth of the allegations in Paragraph 192, and therefore denies  
27 each and every allegation therein.

28 193. Responding to the allegations of Paragraph 193, Defendant repeats and



1 realleges his responses to each of the paragraphs referred to therein, and therefore  
2 denies each and every allegation therein.

3 194. Defendant lacks sufficient knowledge or information upon which to  
4 form a belief as to the truth of the allegations in Paragraph 194, and therefore denies  
5 each and every allegation therein.

6 195. Defendant lacks sufficient knowledge or information upon which to  
7 form a belief as to the truth of the allegations in Paragraph 195, and therefore denies  
8 each and every allegation therein.

9 196. Defendant lacks sufficient knowledge or information upon which to  
10 form a belief as to the truth of the allegations in Paragraph 196, and therefore denies  
11 each and every allegation therein.

12 197. Responding to the allegations of Paragraph 197, Defendant repeats and  
13 realleges his responses to each of the paragraphs referred to therein, and therefore  
14 denies each and every allegation therein.

15 198. Defendant lacks sufficient knowledge or information upon which to  
16 form a belief as to the truth of the allegations in Paragraph 198, and therefore denies  
17 each and every allegation therein.

18 199. Defendant lacks sufficient knowledge or information upon which to  
19 form a belief as to the truth of the allegations in Paragraph 199, and therefore denies  
20 each and every allegation therein.

21 200. Defendant lacks sufficient knowledge or information upon which to  
22 form a belief as to the truth of the allegations in Paragraph 200, and therefore denies  
23 each and every allegation therein.

24 201. Defendant lacks sufficient knowledge or information upon which to  
25 form a belief as to the truth of the allegations in Paragraph 201, and therefore denies  
26 each and every allegation therein.

27 202. Defendant lacks sufficient knowledge or information upon which to  
28 form a belief as to the truth of the allegations in Paragraph 202, and therefore denies

1 each and every allegation therein.

2 203. Defendant lacks sufficient knowledge or information upon which to  
3 form a belief as to the truth of the allegations in Paragraph 203, and therefore denies  
4 each and every allegation therein.

5 204. Responding to the allegations of Paragraph 204, Defendant repeats and  
6 realleges his responses to each of the paragraphs referred to therein, and therefore  
7 denies each and every allegation therein.

8 205. Defendant lacks sufficient knowledge or information upon which to  
9 form a belief as to the truth of the allegations in Paragraph 205, and therefore denies  
10 each and every allegation therein.

11 206. Defendant lacks sufficient knowledge or information upon which to  
12 form a belief as to the truth of the allegations in Paragraph 206, and therefore denies  
13 each and every allegation therein.

14 207. Defendant lacks sufficient knowledge or information upon which to  
15 form a belief as to the truth of the allegations in Paragraph 207, and therefore denies  
16 each and every allegation therein.

17 208. Defendant lacks sufficient knowledge or information upon which to  
18 form a belief as to the truth of the allegations in Paragraph 208, and therefore denies  
19 each and every allegation therein.

20  
21 **As separate and distinct affirmative defenses, Defendant herein alleges:**

22 **First Affirmative Defense**

23 The Second Amended Complaint fails to state a cause of action against this  
24 answering defendant because it is uncertain.

25 **Second Affirmative Defense**

26 Any injuries to Plaintiff were due to and caused by the negligence and omission  
27 of Plaintiff to care for himself, which carelessness and negligence and omissions were  
28 the proximate cause of damages, if any, to the Plaintiff.

**Third Affirmative Defense**

To the extent that Plaintiff suffered any detriment, such detriment was caused or contributed to by Plaintiff's negligence and the damage, if any, should be reduced in direct proportion to his fault.

**Fourth Affirmative Defense**

To the extent persons or entities other than this Defendant proximately caused injury or damage to Plaintiff, Plaintiff's right to recovery from Defendant should be correspondingly reduced.

**Fifth Affirmative Defense**

This answering Defendant's conduct was not outrageous or beyond the bounds of decency.

**Sixth Affirmative Defense**

The alleged conduct of this answering Defendant was not intentional and/or reckless.

**Seventh Affirmative Defense**

This action, or parts thereof, is barred by all applicable statutes of limitation, including the statute of limitations period for 42 U.S.C. section 1983 actions.

**Eighth Affirmative Defense**

This action is barred, all or in part, by laches.

**Ninth Affirmative Defense**

This action is barred, all or in part, by Plaintiff's unclean hands.

**Tenth Affirmative Defense**

Defendant alleges on information and belief that Plaintiff has failed to make reasonable efforts to mitigate his alleged damages in this action.

**Eleventh Affirmative Defense**

This action is barred by the doctrine of *res judicata*, or claim preclusion.

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**Twelfth Affirmative Defense**

This action is barred in whole or part by the doctrine of collateral estoppel, or issue preclusion.

**Thirteenth Affirmative Defense**

Defendant is not liable for punitive damages since he at no time acted in an extreme and outrageous manner, and such an award would violate his right to be free from cruel and unusual punishment under the Constitution of the United States.

**Fourteenth Affirmative Defense**

Defendant alleges that the Second Amended Complaint, to the extent that it seeks punitive or exemplary damages, violates Defendant's rights to protection from "excess fines" as provided in the Eighth Amendment of the United States Constitution and the Constitution of the State of California, and it violates Defendant's rights to substantive due process as provided in the Fifth and Fourteenth Amendments of the United States Constitution and the Constitution of the State of California, and therefore, fails to state a cause of action supporting the punitive or exemplary damages claimed.

**Fifteenth Affirmative Defense**

Any cause of action against this answering Defendant is barred by the Doctrine of Qualified Immunity.

**Sixteenth Affirmative Defense**

Any cause of action against this answering Defendant is barred by absolute immunity.

**Seventeenth Affirmative Defense**

Any and all official conduct taken by Defendant was in good faith and without malicious intent to deprive Plaintiff of his Constitutional rights or to cause him other injury.

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**Eighteenth Affirmative Defense**

Defendant acted at all times in good faith and with the reasonable belief his actions were valid.

**Nineteenth Affirmative Defense**

Plaintiff's causes of action under the federal Civil Rights Act are barred as the Second Amended Complaint fails to raise facts that go beyond mere tortious conduct and rise to the dignity of a violation of a federal Constitutional or statutory right.

**Twentieth Affirmative Defense**

This answering Defendant was, at all times mentioned, acting in good faith, and without malice, and within the scope of his duties as a Los Angeles School Police Department officer.

**Twenty-first Affirmative Defense**

A public employee is not liable for any injury resulting from an act or omission when the act or omission was a result of the exercise of discretion vested in him/her.

**Twenty-second Affirmative Defense**

A public employee is not liable for his/her act or omission, while exercising due care, in the execution or enforcement of any law.

**Twenty-third Affirmative Defense**

A public employee is not liable for any injury caused by the adoption or failure to adopt an enactment or by failure to enforce an enactment.

**Twenty-fourth Affirmative Defense**

A public employee is not liable for any injury caused by the act or omission of another person.

**Twenty-fifth Affirmative Defense**

A public employee is not liable for any injury caused by the public employee's misrepresentation, whether the misrepresentation be negligent or intentional.

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**Twenty-sixth Affirmative Defense**

A public employee is not liable for the prosecution of judicial or administrative proceedings, even if she/he acted maliciously and without probable cause.

**Twenty-seventh Affirmative Defense**

Plaintiff cannot state a cause of action for violation of civil rights under §1983 as he was not deprived of any rights, privileges, or immunities secured to him by the United States Constitution and/or laws.

**Twenty-eighth Affirmative Defense**

Plaintiff fails to state a claim against this answering Defendant because Defendant did not act with deliberate indifference to a specific known risk of harm to Plaintiff.

**Twenty-ninth Affirmative Defense**

A conspiracy cannot be generally alleged in an action brought under the Federal Civil Rights Act.

**Thirtieth Affirmative Defense**

Defendant is immune from liability for all damages sustained after the prosecutor initiated criminal charges, pursuant to *Smiddy v. Varney*, 803 F.2d 1460 (9th Cir. 1986), and *Jackson v. City of San Diego*, 121 Cal. App. 3d 579 (1981).

**Thirty-first Affirmative Defense**

Defendant is immune from liability pursuant to the provisions of each of the following California statutes: California Government Code sections 815, 815.2, 818, 818.8, 820.9, 821.6 and 822.2, and California Penal Code sections 836.5 and 847.

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1 WHEREFORE, Defendant, OFFICER DAN EAST, hereby prays as follows:

- 2 1. That Plaintiff take nothing by way of his Second Amended Complaint;  
3 2. For his costs of suit; and  
4 3. For such other and further relief as the court deems just and proper.

5 DATE: February 21, 2018

GUTIERREZ, PRECIADO & HOUSE, LLP

6  
7 By: /s/ Arthur C. Preciado  
8 Arthur C. Preciado  
9 Attorneys for Defendant  
10 L.A. School Police Officer Daniel East  
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**DEMAND FOR JURY TRIAL**

Defendant Officer Dan East, hereby demands a trial by jury in the above-entitled action.

DATE: February 21, 2018

**GUTIERREZ, PRECIADO & HOUSE, LLP**

By: /s/ Arthur C. Preciado  
Arthur C. Preciado  
Attorneys for Defendant  
LA. School Police Officer Daniel East